

[CERTIFIED TRANSLATION]

I, Carlos Laó Dávila, a Federally certified interpreter, number 03-052,
hereby certify that the attached document is a true and exact translation of the original certified or translated by me

EXHIBIT II

Commonwealth of Puerto Rico
First Instance Court
San Juan Judicial Center
Superior Part

PUERTO RICO HIGHWAY
TRANSPORTATION AUTHORITY
Petitioner

Vs.

FINCA PERSEVERANCIA INC.
Party with Interest

AND

Civil No.: K EF2011-0244

Re:

RECEIVED Nov 6-2017

Forced Expropriation

MINUTES

Attorney Anita Cortés Centeno appeared to the pretrial conference in representation of the petitioner, assisted by appraiser Ángel Malavé. **Attorney César Hernández Colón** appeared in representation of Finca Perseverancia, Inc. and regarding lots 028-01 and 028-02, in the heirs of Pastor Mandry Mercado, assisted by appraiser Ismael Isern Suárez. **Attorney Rodolfo Gluck Figueroa** appeared in representation of Ena Moure De Lis. **Attorney Adrián Mercado** appeared pro-se as a party with interest.

Mr. Javier Mandry Mercado appeared, as a party with interest, pro-se.

The Court stated that there was a motion signed by Carmen Martí Matos, Josefa Martí Matos, José Luis Martí Matos, Adelita Martí Matos, Antonio Martí Matos, Gladys Martí Matos, Cristino Martí Matos, and Gladys O. Matos Rodríguez in representation of Carmen M. Martí Matos. **Mrs. Gladys O. Matos Rodríguez was ordered to file a power of attorney where it is stated that she can represent Mrs. Carmen M. Martí Matos, in addition she has to comply with Rule 67 and notify all the attorneys of the case and the parties with interest that are represented pro-se.**

Attorney Cortés Centeno informed that these persons are members of the heirs of Adela Torres, owner of lot 25-01.

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Upon questions of the Court the attorneys present and mister Mandry notified that they do not object the amendment to the Exhibit filed by Attorney Cortés.

The appraisers notified that they reached an agreement, but that it has to pass the assessment of the agency.

A later turn was granted, for Attorney Cortés Centeno, to carry out efforts to verify when does the Board of the Puerto Rico Highway Authority meet.

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Continuing on with the proceedings in the case, Attorney Cortés Centeno informed that the Board does not have a date to meet.

The Court granted 60 days to the petitioner to notify if an agreement was reached.

Attorney Hernández Colón alleged that the agreement reached by the appraisers would not dispose of the case, just the unitary case, because there is a claim for loss of access. He indicated that the work has not been finished.

Attorney Cortés Centeno informed that Exhibit B more recently, has all the design data and the increase given in width.

Engineer Isern alleged that if he were to do a site inspection today, there is a construction project and the remnant cannot be reached.

Attorney Cortés Centeno alleged that there is a way to go in, that it is a rural property and the lack of access is temporary.

Upon questions of the Court, Attorney Cortés Centeno alleged that the aspect of design can be resolved.

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Due to the request of mister Mandry to report on what is the additional sum that is being worked on, Engineer Isern stated that it is \$155,402 in case K EF2011-0244.

Engineer Isern informed that in period of 60 days there will be access, but that he has to prepare a damage report. Regarding the map, he can analyze it and notify the petitioner on it.

The Court granted 60 days to notify the settlement efforts.

Attorney Mercado informed the Court, that he is only receiving the correspondence from the Court and Attorney Cortés, not what the other parties file. He requested compliance with Rule 67.

The Court determined that the one that does not comply with Rule 67 of Civil Procedure and so documents it, their claims will not be heard.

Attorney Hernández Colón stated that the party that represents Attorney Mercado has a judgment and does not have any interest in the case, for which he understood that he did not need to notify them.

The Court ordered to have them integrated in their notifications.

Attorney Cortés Centeno stated that Attorney Mercado abided by fair compensation, but later informed that damages were pending.

Upon questions of the Court, that all the parties would they benefit from the fund of fair compensation, Attorney Hernández Colón explained that he understood that that refers to the position that mister Mandry assumed regarding, although he abided by fair compensation, but he believes that he has a right to benefit from any additional amount that is reached by his clients. He alleged that his best understanding, that is what the order of the Court indicated.

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Attorney Cortés Centeno alleged that the party with interest, Javier Mandry, he abided by the value consigned and that he is not making any efforts to increase its value. For which any additional sum that could be reached with the other members of the heirs, will not benefit him because he did not participate of the settlement.

Attorney Hernández Colón stated that his position is the same than the petitioner and that he understands that if mister Mandry abided by the compensation and should not benefit from the settlement.

Attorney Cortés Centeno explained that the value that is being negotiated, increases that whole and what corresponds to the clients of Attorney Hernández is consigned. What would have corresponded to mister Mandry, the Agency will save.

Mister Javier Mandry objected the argument of the petitioner.

The Court stated to Javier Mandry that if there is a ruling in favor of his request, he has to pay the expenses. If his interest is to benefit from any additional amount, he has to pay the services.

Mister Mandry proposed that expenses are deducted from the additional fair compensation.

The Court told mister Mandry that he has to get an attorney. The Court explained, regarding the request made by Finca Perserverancia, if he were to obtained an additional sum, that it ruled that all the parties would benefit from the fair compensation fund.

Attorney Cortés Centeno requested that all the parties with interest that have a final judgment, and has not participated in any settlement agreement, they cannot benefit from these because they already accepted the consignment. She alleged there are no other pending issues with the parties with interest that were accepted and have a judgment.

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Attorney Mercado informed that they have no interest in the participation of Finca Perseverancia, Inc., but that have interest in the Camino lot.

Mister Mandry requested to make a motion to present his opinion regarding the settlement. He alleged that what is done in benefit of an heir, it is a pro indiviso community, at the same time that the expenses and earnings are distributed.

The Court stated that mister Javier Mandry informed that he has no interest in Finca Perseverancia.

The parties with interest present informed not having interest in lot 25-02, of the Adela Torres heirs.

Attorney Hernández Colón informed that their clients abide by the unitary case of Finca Camino.

Upon questions of the Court on if the negotiations are in the lot 20-01, 20-02, 20-03, 20-04, 20-05-20-06, 20-07, 20-08, and 20-09, Attorney Hernández Colón stated that in some of them they had abided by it, the steep lots remain where the appraisers have reached an agreement.

Regarding Finca Camino, Attorney Hernández Colón stated that that is where he has the possible interest of mister Mandry, the positions of his clients, has been that they will abide by the unitary.

Attorney Cortés Centeno informed that mister Javier Mandry also abided by it.

The Court stated that there would be nothing to discuss regarding a possible interest of mister Mandry, because he does not have interest in Finca Perseverancia, Inc., and neither in the heirs of Adrián Mercado.

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The Court indicated that in lots 28-01 and 28-02 judgment could be issued due to all the parties with interest abiding to them.

Mister Mandry requested the withdrawal of the funds.

The Court stated that it has been clarified that there is an issue on title ownership or parties with interest, that the parties with interest that are negotiating an additional sum, which will be considered by the Board in the next 60 days, are only Finca Perseverancia, Inc.

Attorney Gluck Figueroa requested the withdrawal of the funds for his client, he indicated that it has usufruct over the participation of José Antonio and Carlos Alfredo, last names Mercado Méndez, in the amount of **\$493.78** for each one.

The Court ordered that the Accounts Unit issue a check for both amounts in name of Ena Luz Moure De Lis. Without objection of the other parties.

Attorney Cortés Centeno stated that on page 11 of amended Exhibit A the amount corresponding to Mrs. Moure is itemized.

Attorney Hernández Colón requested the withdrawal of the funds of Finca Camino and the transfer of 20.90% of the funds consigned to the case of the Ponce Court. He stated that the funds for transfer will be **\$10,064.76**, to case **JJV2011-1103, court room 603, Ponce Court.**

Without objection from the parties, the Court ordered the issuance of the check.

Attorney Hernández Colón informed that since the parties with interest had complied with Rule 58.9, the remnant of \$46,156, must be distributed in the following manner:

- Javier Mandry Mercado- \$1,492.85, sum with which mister Mandry agrees, as asked by the Court.

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The Court ordered that the Accounts Unit issue a check in name of mister Mandry for \$1,492,85.

Attorney Hernández Colón continued with the breakdown of the funds:

- Estrella María Aparicio Vázquez- \$7,127.29
- Oscar Adolfo Mandry Aparicio- \$3,780.30
- Victor Robert Fingerhut Mandry- \$3,274.65
- Yvelisse Helena Fingerhut Mandry- \$3,274.65
- Margaret Ann Fingerhut Mandry- \$3,274.65
- Salvador Rafael Mandry Mercado- \$1,598.81
- Adrián Roberto Mandry Mercado- \$1,598.81
- Eduardo José Mandry Mercado- \$1,598.81
- Margarita Rosa Mandry Mercado- \$1,598.81
- María del Carmen Amalia Mandry Llombalt- \$1,781.80
- Selma Verónica Mandry Llombalt- \$1,781.80
- Juan Carlos Esteva Fingerhut- \$982.40
- Pedro Miguel Esteva Fingerhut- \$987.22
- Mariano J. Mc Connie Fingerhut- \$987.22
- Janice Marie Mc Connie Fingerhut- \$982.40
- Víctor Michael Fingerhut Cochran. \$982.40
- Michelle Elaine Figerhut Cochran- \$987.22

The Court determined the following:

- ◆ The Board has 60 days to consider the agreement.
- ◆ Appraiser Isern was granted 60 days to prepare to react regarding the access.
- ◆ **The hearing was scheduled for September 14, 2017, at 10:00 a.m., an available date in the calendar of the attorneys, mister Javier Mandry and the appraisers.**

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| Name of Judge: HON. MABEL RAMÓN MILLÁN MARIA Q. RIVERA RIVERA Clerk's name Court room services or Deputy Clerk of Court (Recording systems Operator) Court room 1002 AOC 838 Civil Minutes (First Instance Court) (Rev. February/2008) | Marshal's Name: YOMARIS FAJARDO TORRES I Certify: GRISELDA RODRÍGUEZ COLLADO Regional Clerk II [Illegible signature] By: MARIA Q. RIVERA RIVERA Court room Services Clerk Date of hearing: May 2, 2017 Transcription date: May 18, 2017 |
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